

# PLANNING COMMISSION MINUTES

January 29, 2003

## CALL TO ORDER:

Chairman Bob Barnard called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Bob Barnard, Planning Commissioners Gary Bliss, Eric Johansen, Dan Maks, Shannon Pogue, Vlad Voytilla, and Scott Winter.

Senior Planner John Osterberg, Associate Planner Tyler Ryerson and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Barnard, who presented the format for the meeting.

## VISITORS:

Chairman Barnard asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

Associate Planner Tyler Ryerson indicated that there were no staff communications at this time.

## NEW BUSINESS:

Chairman Barnard opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1        **PUBLIC HEARINGS:**

2  
3        **A.    CU 2002-0034 – MURRAY SCHOLLS TOWN CENTER**  
4        **RESIDENTIAL UNITS RELOCATION CONDITIONAL**  
5        **USE**

6        The applicant requests to modify the existing approval of CUP  
7        99-003, which involves an Outline Concept Plan and  
8        Preliminary Development Plan for the Murray Scholls Town  
9        Center Planned Unit Development, including the alteration of  
10       the location of the proposed residential units and clarification of  
11       Condition of Approval No. 6. The subject property is located on  
12       the northwest corner of the intersection of SW Murray  
13       Boulevard and SW Scholls Ferry Road, and is more specifically  
14       identified as Tax Lot 800 on Washington County Assessor's Map  
15       1S1-32DA. The property is zoned Town Center-Sub Regional  
16       (TC-SR), and is approximately 20.8 acres in size.

17  
18       Observing that he is a member of staff for the Beaverton School  
19       District, Commissioner Voytilla declared that one of the items  
20       identified within the Staff Report relates to school district matters,  
21       adding that unless another individual expresses concern with his  
22       participation, he has no conflict of interest with regard to this  
23       application and intends to participate in this decision.

24  
25       Commissioners Maks, Pogue, Voytilla, Winter, Johansen, and Pogue,  
26       and Chairman Barnard indicated that they had visited and were  
27       familiar with the site and had no contact with any individuals with  
28       regard to this application.

29  
30       Mr. Ryerson presented the Staff Report and briefly described the  
31       application, noting that the request includes clarification of the  
32       original Condition of Approval, No. 6, as follows:

33  
34       *"With each subsequent proposal for this site, the applicants will*  
35       *demonstrate how the following mix of uses can be achieved at*  
36       *ultimate build-out by presenting to the City a shadow plan. At*  
37       *ultimate build-out, the mix of uses shall be:*

38  
39                      *Office/service              Not less than 50 percent*  
40                      *Residential                Not less than 25 percent*  
41                      *Retail                        Not greater than 25 percent"*

42  
43       Mr. Ryerson noted that he had provided copies of the minutes from the  
44       original hearing that occurred in 1999, and briefly described the

1 current Condition of Approval No. 3, which was proposed by the  
2 applicant, observing that a parenthesis should be inserted at the end of  
3 this condition. He discussed the site plan, noting that the applicant  
4 has proposed to relocate 20 previously approved townhomes to the area  
5 where the existing *24-Hour Fitness* facility is located. He pointed out  
6 that an additional 47 units have been proposed, resulting in a total of  
7 67 units as a future ultimate site build-out. He explained that a new  
8 building, Building No. 12, would be located at the northwesterly corner  
9 of the site, across SW Murray/Scholls Drive from Building No. 11,  
10 adding that the proposal for that specific building provides for an  
11 office/service use. He referred to a specific Facilities Review Condition  
12 of Approval with regard to requiring a Traffic Analysis if a future  
13 potential drive-through use is proposed in Building No. 12. He  
14 discussed the Service Provider Letter referenced on page 7, noting that  
15 this involves the Beaverton School District issue described by  
16 Commissioner Voytilla. Referring to page 17 of the Staff Report, he  
17 noted that the proposed future ultimate build out of the site includes  
18 67, rather than 667 residential dwelling units. Concluding, he  
19 recommended approval of the application, subject to proposed  
20 Conditions of Approval, and offered to respond to questions.

21  
22 On question, Mr. Ryerson advised Commissioner Voytilla that line 2 of  
23 the first paragraph should reflect the date September 19, 2002.

24  
25 Commissioner Voytilla requested clarification that staff accepted the  
26 application without the benefit of the pre-application process.

27  
28 Mr. Ryerson provided clarification to Commissioner Voytilla's question,  
29 observing that the application was submitted on November 13, 2002,  
30 while the pre-application had occurred on October 2, 2002, adding that  
31 the new Development Code had become effective September 19, 2002.

32  
33 Referring to page 11 of the Staff Report with regard to the Proposed  
34 Site Plan, Commissioner Voytilla requested clarification of the term  
35 "formal parking lot".

36  
37 Mr. Ryerson advised Commissioner Voytilla that along with proposed  
38 Building No. 12, this conditional use modification would include that  
39 parking that is illustrated on Site Plan A-021, adding that this  
40 involves 50 spaces.

41  
42 Commissioner Voytilla expressed his opinion that the word "formal"  
43 implies that other types of parking lots exist.  
44

1 Mr. Ryerson referred to the design review on page 6 of the Staff  
2 Report, for the construction of 49 parking spaces and including  
3 associated improvements, specifically BDR 2002-0167 – Murray  
4 Scholls Town Center Parking Expansion, which was approved by the  
5 Planning Director on November 4, 2002.

6  
7 Commissioner Voytilla reiterated that his concern is with associating  
8 the word “formal” with a particular parking lot, noting that this is not  
9 referenced within the Development Code.

10  
11 Mr. Ryerson concurred with Commissioner Voytilla’s objection to the  
12 reference to a “formal” parking lot.

13  
14 Referring to page 17 of the Staff Report, specifically with regard to the  
15 issue with the Beaverton School District, Commissioner Voytilla  
16 questioned why staff had not included this as a Condition of Approval  
17 for the Planning Commission.

18  
19 Mr. Ryerson reminded Commissioner Voytilla that the new  
20 Development Code provides the Planning Commission with the ability  
21 to review Facilities Review Conditions of Approval.

22  
23 Referring to the unit of measurement, Commissioner Voytilla  
24 questioned why staff would favor buildings, which could potentially  
25 change, rather than the percentage of site area.

26  
27 Mr. Ryerson noted that the overall site includes parking.

28  
29 Commissioner Voytilla pointed out that site area is used for so much of  
30 the percentages, adding that parking is generally considered a part of  
31 the site area.

32  
33 Commissioner Maks noted that as rapidly as residential use is being  
34 developed in the surrounding area, he would not be surprised to see an  
35 increase in height and/or square footage for this development.  
36 Referring to page 16 of the Staff Report, specifically the definition of  
37 “office/service”, he questioned where a grocery store would fit.

38  
39 Mr. Ryerson advised Commissioner Mask that a grocery store would  
40 most likely be addressed through the category of Retail.

41  
42 Observing that he agrees that a grocery store is retail use,  
43 Commissioner Maks pointed out that it could also be addressed

1 through the description of “office/service”, adding that the bottom line  
2 is the reference with regard to *long-term goods to the direct consumer*.

3  
4 Mr. Ryerson questioned whether the term short-term would be more  
5 appropriate than the term long-term with regard to this issue.

6  
7 Commissioner Maks noted that the goal is to impose a limit on retail  
8 use and expressed his concern with confusing the percentages. He  
9 pointed out that fast food without a drive-through is considered retail  
10 use in some jurisdictions.

11  
12 Chairman Barnard suggested the possibility of including the phrase  
13 *but not limited to such personal service businesses*, emphasizing that  
14 personal service is a form of business that covers many areas.

15  
16 Commissioner Winter referred to the Facilities Review Report and  
17 Technical and Advisory Notes, observing that these reports are dated  
18 January 8, 2002, and was advised by Mr. Ryerson that these dates  
19 should be revised to reflect January 8, 2003.

20  
21 Commissioner Winter referred to page 10 of the Staff Report with  
22 regard to the square footage totals, observing that adding the proposed  
23 6,500 square feet to the existing total of 203,235 would amount to  
24 209,735, rather than 209,785.

25  
26 Mr. Ryerson concurred with Commissioner Winter’s observation with  
27 regard to the correct total.

28  
29 Commissioner Winter pointed out that this is the first time that only  
30 these three classifications have been utilized, and questioned whether  
31 future decisions would be based upon these classifications.

32  
33 Mr. Ryerson responded that it might be necessary to refer back to the  
34 original Conditional Use Permit, adding that at that time, the  
35 Planning Commission had specifically addressed these three  
36 classifications. He noted that staff is currently in the process of  
37 updating Chapter 20 of the Development Code, adding that this would  
38 most likely be reviewed by the Planning Commission in the near  
39 future, providing the opportunity to address this specific issue.

40  
41 Observing that he is not an engineer, builder or architect,  
42 Commissioner Winter requested clarification of the difference between  
43 the square footage options for these three classifications, specifically  
44 whether this involves only the square footprint of the building.

1 Mr. Ryerson advised Commissioner Winter that he believes that the  
2 square footage also includes multi-stories of buildings, adding that the  
3 square footage of each level would be considered as a whole.

4  
5 Commissioner Pogue requested clarification with regard to staff's  
6 conversations regarding the lease, arrangements, and longevity for the  
7 *24-Hour Fitness* facility.

8  
9 Mr. Ryerson informed Commissioner Pogue that staff has had no  
10 specific conversations with regard to this issue, emphasizing that he  
11 has no personal knowledge with regard to the lease agreements.

12  
13 Commissioner Pogue expressed concern with a potential for not  
14 meeting the original intent with regard to what appears to be a  
15 recently constructed building, specifically Mixed Use.

16  
17 Mr. Ryerson discussed issues relating to ultimate build-out and the  
18 proposed shadow plan, emphasizing that this plan has the potential to  
19 achieve the original plan involving Mixed Use.

20  
21 Referring to page 23 of the Staff Report, Commissioner Pogue  
22 questioned whether the 200 residential units referenced should  
23 actually be 20 residential units.

24  
25 Mr. Ryerson advised Commissioner Pogue that the 200 units is  
26 actually correct, based upon the original shadow plan, adding that the  
27 additional units at the 24-Hour Fitness facility could possibly include  
28 an assisted living facility or elderly care type of units.

29  
30 Commissioner Maks suggested that staff should consider revising the  
31 original Condition of Approval No. 6 to provide for any use that does  
32 not involve the sale of manufactured or long-term goods to the direct  
33 consumer.

34  
35 **APPLICANT:**

36  
37 **MATT GRADY**, representing *Gramor Development*, introduced  
38 himself, Barry Cain, and Steven Topp, observing that because staff  
39 had provided such a thorough and excellent overview of the proposal, a  
40 lengthy presentation would not be necessary. He discussed the history  
41 of the site and project and provided an illustration of the proposed  
42 development and described the applicant's efforts. He described an  
43 1,800 square foot luxury townhome, which he described as the ultimate  
44 residential component, adding that this costly unit is an unlikely

1 candidate for residential uses in the Master Plan. He expressed his  
2 opinion that the proposal meets applicable criteria for a modification to  
3 approval, is compatible with the existing neighborhood, provides  
4 necessary services, and adequately addresses transportation issues.  
5 Referring to a conversation with Jan Youngquist of the Beaverton  
6 School District, he pointed out that schools are generally reactionary to  
7 development proposals, adding that while it is difficult to keep up with  
8 capacity issues, there is a greater availability at the elementary than  
9 at the middle and high school level. He suggested that Condition of  
10 Approval No. 1 on page 5 of the Facilities Review Committee Technical  
11 Review and Recommendations be amended, as follows: "...condition of  
12 approval ~~insuring~~ **ensuring** adequate public school facilities..." He  
13 pointed out that assisted living units would not have the potential to  
14 add more students.  
15

16 **BARRY CAIN**, representing the applicant, offered to respond with  
17 regard to the existing lease with *24-Hour Fitness*. He explained that  
18 the applicant had initiated a 15-year lease with *24-Hour Fitness*,  
19 adding that this is most likely the most volatile use on the site,  
20 emphasizing that the use of this building could easily and drastically  
21 change from year to year.  
22

23 **STEVEN TOPP**, consultant representing *Gramor Development*,  
24 discussed the original shadow plan, adding that *24-Hour Fitness* had  
25 been identified as the area that could most reasonably be redeveloped.  
26 He pointed out that while the applicant had eliminated another area  
27 that might work for residential use, they had refocused upon that area  
28 as the site where the residential use would be located at some future  
29 point that has not yet been determined. He concurred with  
30 Commissioner Maks' suggestion that staff should consider revising the  
31 original Condition of Approval No. 6 to provide for any use that does  
32 not involve the sale of manufactured or long-term goods to the direct  
33 consumer.  
34

35 Commissioner Maks pointed out that while *Ann's Nails* has been  
36 designated as "retail", *Super Cuts* has been described as  
37 "office/service", and was advised that Ann's Nails should also be listed  
38 as an "office/service".  
39

40 Commissioner Maks noted that under the proposal, *Hollywood Video* is  
41 "office/service", rather than "retail", emphasizing that this use involves  
42 mostly rentals, rather than sales. He stressed that it is necessary to  
43 make certain that this definition meets the goals of the applicant, and

1 was informed that the ratio for *Hollywood Video* is a maximum of 25%  
2 “retail”.

3  
4 Commissioner Johansen questioned which economic circumstances  
5 would generate residential use of the site that is currently *24-Hour*  
6 *Fitness*.

7  
8 Observing that *24-Hour Fitness* has a lease and would most likely  
9 remain as long as it is economically feasible, Mr. Cain stated that  
10 there is no question that over time, with the restrictions on land, there  
11 would eventually be some options available that are not available at  
12 this time.

13  
14 Chairman Barnard stated that he is hearing that the economic  
15 feasibility for the condominiums is not there at this time.

16  
17 Mr. Cain pointed out that the proposed location is the problem,  
18 observing that the applicant had been requested to locate some  
19 residential units within this town center. He explained that while the  
20 proposal had been attractive and appeared to be a good idea, the  
21 concept had not been compatible or feasible with what had been  
22 developed commercially.

23  
24 Chairman Barnard requested reassurance that allowing these changes  
25 would not extend the proposed development of the residential units to  
26 some unknown point in the future, emphasizing that this residential  
27 development is not going to occur.

28  
29 Mr. Cain concurred with Chairman Barnard’s assessment of the  
30 situation.

31  
32 Commissioner Winter questioned how the residential units would be  
33 accessed if they are constructed 30 years from now.

34  
35 Mr. Cain explained how access and parking would be achieved to  
36 accommodate for future residential units.

37  
38 **PUBLIC TESTIMONY:**

39  
40 No member of the public testified with regard to the application.

41  
42 Mr. Ryerson stated that while other options are available, staff is  
43 comfortable with the suggestion to add the word “manufactured” to



1 Condition of Approval No. 3, adding that the Planning Commission  
2 might also want to reconsider the term “long-term goods”.

3  
4 Chairman Barnard questioned whether staff is suggesting replacing  
5 the term “long-term goods” with the term “manufactured”.

6  
7 Mr. Ryerson advised Chairman Barnard that staff has no preference,  
8 adding that the Planning Commission might want to deliberate prior  
9 to making a decision with regard to this issue. Referring to the issue  
10 concerning Office/service, he suggested the possibility of eliminating  
11 the slash and inserting the word “and”. Concluding, he offered to  
12 respond to questions.

13  
14 Commissioner Maks questioned whether Mr. Ryerson is referring to  
15 the Facts and Findings on page 13.

16  
17 Mr. Ryerson informed Commissioner Maks that he is referring to this  
18 section, adding that this relates back to Condition of Approval No. 3 on  
19 page 26 of the Staff Report which references “long-term”.

20  
21 Commissioner Maks emphasized that he has no intention of adopting  
22 the applicant’s language with regard to “retail” uses.

23  
24 Commissioner Winter referred to the housing component and  
25 questioned whether there is some type of deadline with regard to  
26 adding the housing component.

27  
28 Commissioner Maks advised Commissioner Winter that there is no  
29 specific deadline with regard to this housing component, expressing his  
30 opinion that residential use might be neither feasible nor desirable  
31 when considering how this area is developing. He emphasized that the  
32 applicant is only required to demonstrate the ability to establish this  
33 housing component on this property, adding that no time element is  
34 involved and that it might never occur.

35  
36 Mr. Ryerson clarified that the slash between “office/service” should be  
37 removed, suggesting the following revision: ~~office/service~~ **office uses**  
38 **and service uses**, emphasizing that this involves two separate uses.

39  
40 The public portion of the Public Hearing was closed.

41  
42 Commissioner Maks expressed his opinion that the application meets  
43 applicable criteria, adding that he would support a motion for  
44 approval, and stating Condition of Approval No. 3 should be corrected,

1 as discussed, and that the Facilities Review Committee Technical  
2 Review and Recommendations, specifically Condition of Approval No.  
3 1, be amended to reflect ensuring, rather than insuring, adequate  
4 public school facilities.

5  
6 Expressing his agreement with the summarization provided by  
7 Commissioner Maks, Commissioner Voytilla observed that the  
8 application meets applicable criteria and complimented the applicant  
9 for their efforts in providing a very successful project without creating  
10 a strip mall, adding that he would support a motion for approval.

11  
12 On question, Commissioner Maks and Voytilla advised Chairman  
13 Barnard Maks that they are in support of revising Condition of  
14 Approval No. 3 to reflect office uses and service uses and that use  
15 should not involve the sale of both manufactured and long-term goods  
16 to the direct consumer.

17  
18 Observing that the application meets applicable criteria and that he  
19 concurs with the comments of his fellow Commissioners, Commissioner  
20 Johansen stated that he would support a motion for approval with the  
21 proposed revisions to Condition of Approval No. 3.

22  
23 Commissioner Pogue complimented the efforts of the applicant team,  
24 adding that he supports both the application and the proposed  
25 revisions to Condition of Approval No. 3.

26  
27 Expressing his opinion that the application meets applicable criteria,  
28 Commissioner Bliss stated that he would support the application and  
29 the proposed revisions to Condition of Approval No. 3.

30  
31 Commissioner Winter expressed his support of the proposed revisions  
32 to Condition of Approval No. 3, adding that he is also in support of  
33 revising Facilities Review Committee Condition of Approval No. 1 to  
34 replace the word "insuring" with "ensuring". Observing that he is  
35 appreciative of the historical context provided by his fellow  
36 Commissioners, he stated that he would support a motion for approval.

37  
38 Chairman Barnard expressed his support of the application and all  
39 proposed revisions.

40  
41 Commissioner Maks **MOVED** and Commissioner Johansen  
42 **SECONDED** a motion to **APPROVE** CU 2002-0034 – Murray Scholls  
43 Town Center Residential Units Relocation Conditional Use, based  
44 upon the testimony, reports and exhibits, and new evidence presented

1 during the Public Hearing on the matter, and upon the background  
2 facts, findings and conclusions found in the Staff Report dated January  
3 22, 2003, as amended, including Conditions of Approval Nos. 1 through  
4 4, with the following amendments:

- 5  
6 3. Condition of Approval #6 of CUP 99-003 (Gramor Murray  
7 Scholls) shall specifically include as services as inferred in  
8 “~~office/service~~ **office uses and service uses**” include, *any*  
9 *use that does not involve the sale of **manufactured or** long-*  
10 *term goods to the direct consumer (including, but not limited*  
11 *to such businesses as: fitness/health clubs, tanning salons,*  
12 *hair salons, eating and/or drinking establishments, cleaners,*  
13 *financial advisors, travel advisors, insurance agencies, etc.).*

14  
15 and that page 5 of Facilities Review Committee Technical Review and  
16 Recommendations, specifically Condition of Approval No. 1, be  
17 amended, as follows:

- 18  
19 1. Prior to the issuance of a building permit for any dwelling  
20 unit in excess of 22 dwelling units at the Murray Scholls  
21 Town Center PUD, the applicant shall provide written  
22 evidence from Beaverton School District that CPA 98-016  
23 (Ordinance 4030) condition of approval ~~insuring~~ **ensuring**  
24 adequate public school facilities are available has been  
25 achieved.

26  
27 On question, Mr. Ryerson advised Commissioner Maks that the  
28 meeting date indicated on the Facilities Review Committee Technical  
29 Review and Recommendations should be January 8, 2003, rather than  
30 January 8, 2002.

31  
32 Motion **CARRIED** by the following vote:

33  
34 **AYES:** Maks, Johansen, Bliss, Pogue, Voytilla, Winter,  
35 and Barnard.

36 **NAYS:** None.

37 **ABSTAIN:** None.

38 **ABSENT:** None.

39  
40 **MISCELLANEOUS BUSINESS:**

41  
42 The meeting adjourned at 8:41 p.m.